IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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FRIDAY, THE TWENTYNINTH DAY OF JULY

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION No.16658 OF 2005

Between:

Shabbir Ahmed Khan … Petitioner

Versus

The Spl.Officer & Competent Authority

Urban Land Ceiling, Govt.of AP

Hyderabad & Another … Respondents

Counsel for the Petitioner : Mr.L.Prabhakar Reddy

Counsel for the Respondents: GOVT.PLEADER FOR REVENUE

O R D E R :

This writ petition is filed questioning the action of the respondents in not considering the respective claim of the petitioners for regularization of their lands in pursuance of G.O.Ms.No.455, Revenue (UCI) Department, dated 29-7-2002 as arbitrary, violative of Article 14 of the Constitution of India, principles of natural justice by setting aside the Memo No.E1/2609/CORR/05, dated 12-7-2005 passed by the first respondent and consequently direct the respondents to consider the respective claim of the petitioners over the land admeasuring Acs:1-38 guntas in survey no.128/1, situate at

Yousufguda, Hyderabad, as per judgment dated 04-2-2003 passed in WP.,No.313 of 1998 and also in terms of GO.Ms.No.455, dated 29-7-2002 before allotting the said land to any third parties.

When the matter came up for admission, Mr.L.Prabhaker Reddy, the learned counsel appearing on behalf of the petitioner submitted that before passing Memo No.E1/2609/CORR/05, dated 12-7-2005 by the first respondent, no opportunity was given to the petitioners to submit their grievance.

If the petitioners were not given any opportunity, they would have submitted their representation in compliance with the objection raised by the concerned officer.

A bare reading of para no.8 of GO.Ms.No.455, Revenue (U.C.I) Department, dated 29-7-2002 contemplates that the Government shall be competent to refuse or reject any case of allotment of excess land, even though it otherwise satisfies all the conditions prescribed in this order, if such allotment of excess land with or without structures thereon is not in public interest or if such land is required for a public purpose. Government decision in this regard shall be final and shall not be questioned in any court of law. In cases where allotment is refused or rejected the compensation amounts paid along with application shall be refunded without any interest to the applicant.

From the above, it is clear that the Officer who issued the memo, i.e., Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad, has no power to reject the application of the petitioners dated 05-7-2005. Therefore, the Memo No.E1/2609/CORR/05, dated 12-7-2005 passed by the first respondent is set at

naught. However, it is left open to the petitioners to make or resubmit their applications to the respondents for consideration and to pass appropriate order in terms of G.O.Ms.No.455, Revenue (U.C.I) Department, dated 29-7-2002.

With the above observation, the writ petition is allowed at the admission stage. No costs.

JULY 29th, 2005. ----------

I s L. ELIPE DHARMA RAO , J.